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October 4, 2007

**BY HAND**

The Honorable Alvin K. Hellerstein  
United States District Judge  
Southern District of New York  
500 Pearl Street, Room 1050  
New York, New York 10007-1312

Re: Melvin Grady v. City of New York, et al.  
05 CV 7754 (AKH)(AJP)  
07

Your Honor:

I am an attorney in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, supervising the representation of defendant City of New York in the above-referenced federal civil rights lawsuit.<sup>1</sup> For the reasons discussed herein, we respectfully request that the Court issue an order for plaintiff Melvin Grady to be made available via videoconference for a hearing pursuant to General Municipal Law 50-H ("50-H hearing"). Plaintiff's counsel, Richard M. Gutierrez, Esq., consents to this request.

By way of background, plaintiff, who is currently incarcerated at Elmira Correctional Facility in Elmira, New York, has filed a Notice of Claim and has raised state law claims in his complaint. Accordingly, defendant City of New York, whose answer is due on November 6, 2007, is entitled to conduct a 50-H hearing to learn about the nature of plaintiff's claims. Plaintiff's 50-H hearing was originally scheduled for April 3, 2007. However, plaintiff's counsel adjourned the April 3, 2007, 50-H hearing due to plaintiff's incarceration and stipulated in writing that the City of New York would retain the right to conduct the 50-H hearing at a later

<sup>1</sup> This case has been assigned to Assistant Corporation Counsel Maurice Hudson, who is presently awaiting admission to the bar and is handling this matter under my supervision. Mr. Hudson may be reached directly at (212) 788-8684.

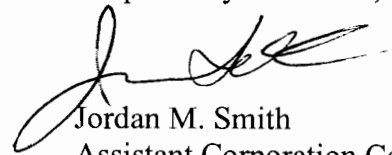
date. Defendant City of New York seeks to conduct the hearing at this time. However, because plaintiff is incarcerated in a facility over 200 miles away from New York City that requires an order from the Court to produce the plaintiff for the 50-H hearing, defendant City of New York respectfully requests that the Court order that plaintiff be made available and that the hearing be held via videoconference using the facilities of the Court.

Accordingly, we respectfully submit a proposed order to make the plaintiff available by videoconference for the 50-H hearing on Friday, November 2, 2007, at approximately 9:30 a.m. This office has been in contact with plaintiff's counsel, with Elmira Correctional Facility, and with the Courtroom Technology Office of the Southern District of New York, and it appears that this date will work for all parties.

Enclosed please find a copy of the proposed order for plaintiff to be made available at Elmira Correctional Facility via videoconference with the Southern District of New York for the 50-H hearing on November 2, 2007.

I thank the Court for its time and consideration of this request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jordan M. Smith', is written over the typed name.

Jordan M. Smith  
Assistant Corporation Counsel

Encl.

cc: Richard M. Gutierrez, Esq. (by fax)  
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